Supreme Court, U. S.
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MICHAEL RODAK, JR., CL

IN THE

# Supreme Court of the United States

OCTOBER TERM, 1976

**No. 76-444**

NORTHEAST MARINE TERMINAL COMPANY, INC.
and STATE INSURANCE FUND,
*Petitioners,*

—v.—

RALPH CAPUTO

—and—

DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS,
UNITED STATES DEPARTMENT OF LABOR,
*Respondents.*

**No. 76-454**

INTERNATIONAL TERMINAL OPERATING CO., INC.,
*Petitioner,*

—v.—

CARMELO BLUNDO

—and—

DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS,
UNITED STATES DEPARTMENT OF LABOR,
*Respondents.*

ON WRITS OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE SECOND CIRCUIT

## OBJECTIONS TO FILING BRIEF AMICUS CURIAE BY WEST GULF MARITIME ASSOCIATION

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## OBJECTIONS TO FILING BRIEF AMICUS CURIAE BY WEST GULF MARITIME ASSOCIATION

The Respondents, Ralph Caputo and Carmelo Blundo, oppose the filing of the Brief Amicus Curiae by the West Gulf Maritime Association and in support of such opposition respectfully show:

1. The West Gulf Maritime Association, in our opinion, does not represent interests significantly different from that represented by the National Association of Stevedores to which we have given our prior consent to appear Amicus Curiae on behalf of the Petitioners. Counsel for West Gulf concedes (see footnote on page iv of its motion) that some members of its association are also members of the National Association of Stevedores. Since the National Association of Stevedores represents companies on all coasts of the United States, it is in a better position to present to this Court all the different factual circumstances which will be affected by the decision herein.

2. The West Gulf Maritime Association alleges that 90% of the general cargo longshore gangs in the Port of Houston work on breakbulk cargo and that the importance of containerization in the New York area may obscure the importance of breakbulk cargo practices.

3. Yet, the Brief for the National Association of Stevedores at pages 20-21, states that in its view, cargo moves in two distinct steps, "be it in breakbulk form or containerized," in all major ports of this country. While we disagree with the alleged two step movement of cargo, we do agree that all cargo moves through a port, "be it in breakbulk form or containerized," in the same general manner.

4. Further, counsel for Petitioner in Blundo in his Brief at page 23 states that although practices vary "somewhat"



from port to port, there is "substantial uniformity within the stevedore and marine terminal industries at United States ports."

5. For these reasons we declined to give our consent to the West Gulf Maritime Association to file an Amicus Curiae Brief.

WHEREFORE, Respondents, Caputo and Blundo, respectfully pray that the Motion of the West Gulf Maritime Association for leave to file a Brief Amicus Curiae be denied.

Respectfully submitted,

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